**THE HON'BLE SMT.JUSTICE T.MEENA KUMARI**

**AND**

**THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY**

-

**WRIT APPEAL No.1459 OF 2005**

**Dt:21.09.2005**

Between:

M.Subrahmanyam

S/o.Late M.Subba Reddy

R/o.D.No.17-3-250, Poola Street

Tirupati 517501, Chittoor District … PETITIONER

AND

The Tirumala Tirupati Devasthanams

Rep.by its Executive Officer

Tirupati-517501, Chittoor District … RESPONDENT

**THE HON'BLE SMT.JUSTICE T.MEENA KUMARI**

**AND**

**THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY**

-

**WRIT APPEAL No.1459 OF 2005**

**JUDGMENT:** ***(per the Hon'ble Sri Justice P.Lakshmana Reddy)***

This Writ Appeal is filed by the appellant-writ petitioner aggrieved by the Order dated

02.12.2004 in Writ Petition No.7723 of 1997 passed by a learned single Judge of this Court.

The above Writ Petition was filed by the writ petitioner for extending the benefit of compassionate appointment to him.

As seen from the Orders of the learned single Judge, the present Writ Petition was dismissed on the ground that earlier Writ Petition No.4101 of 1993 filed for the very same relief by the writ petitioner was dismissed by this Court and also on the ground that there is delay or laches on the part of the writ petitioner.

Learned counsel for the appellant-writ petitioner contended that the earlier Writ Petition No.4101 of 1993 was not filed by the writ petitioner and the learned single Judge dismissed the Writ Petition mainly on the ground that the request made on behalf of the mother as well as the writ petitioner already stood rejected by this Court in Writ Petition No.4101 of 1993 and the said observation of the learned single Judge is contrary to the record and therefore, the Writ Appeal may be allowed.

In order to verify whether the present writ petitioner also joined in Writ Petition No.4101 of 1993, we have called for the records relating to Writ Petition No.4101 of 1993 and found that the said Writ Petition was filed only by the mother of the writ petitioner and not by the present writ petitioner. Therefore, we find considerable force in the contention of the learned counsel for the appellant that the observation of the learned single Judge in this regard is contrary to the record. Regarding the delay or laches on the part of the writ petitioner, we leave it open to the respondent for consideration of the same in accordance with the Rules. If the Rules permit consideration of an application filed belatedly, the respondent may consider the application of the writ petitioner for compassionate appointment. Hence, we are inclined to set aside the Orders of the learned single Judge and to give a direction to the respondent to consider the application of the appellant for compassionate appointment in accordance with the relevant Rules as expeditiously as possible.

With the above direction, the Writ Appeal is disposed of.

**(T.MEENA KUMARI, J)**

**(P.LAKSHMANA REDDY, J)**

**Dt: 21.09.2005**

bsv/lvl